

and the United States. The parties are now working on their third draft of a settlement agreement intended to resolve both this litigation and a related litigation in the United Kingdom. Counsel in the U.S. action are both of the view that the remaining open points can be resolved and that they are likely to be resolved in the course of working out the next draft of the settlement agreement. Both agree that it would be the best and most efficient use of the Court's time and counsels' time to continue to focus on productive settlement efforts.

2. Allowing the extended time periods set out in this motion will not prejudice any party or the Court, and will permit the parties to concentrate their energies on settlement.

3. Counsel, William S. Strong, for the plaintiffs, and David S. Korzenik, for the defendant, have both conferred with Ms. Dianalynn Saccoccio of Chambers to advise the Court of the parties' progress toward settlement. She has offered March 8, 2004 at 2:15 pm as the new adjourned date for our Status Conference. Both parties have agreed to that date.

4. Accordingly, the parties jointly request that their status conference of February 7, 2005 be adjourned to March 8, 2005 at 2:15pm and that the deadlines set forth in the Scheduling Order be extended two months each as noted below.

5. The parties additionally request that the Scheduling Conference be held by telephone conference, as they believe it likely that they will at that time be able to report that the case is, or is about to be, settled.

WHEREFORE, the undersigned parties respectfully request that the deadline for filing of motions pursuant to Fed. R. Civ. P. 12, 15, 19, and 20 be extended from March 4, 2005, to May 5, 2005; that the deadline for discovery on copies delivered into the United States be extended from June 17, 2005 to August 17, 2005; and that the deadline for filing of motions for summary judgment pursuant to Fed. R. Civ. P. 56, as to copies delivered into the United States, be extended from Sept. 16, 2005 to November 16, 2005.

Respectfully submitted,

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ELSEVIER, INC.,
ELSEVIER SCIENCE B.V.,
WALTER de GRUYTER GmbH & CO. KG,
WILEY-LISS, INC., and
WILEY PERIODICALS, INC.,
Plaintiffs

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Dated: February 4, 2005